

EPA Statement on WV Spill Response
Regional Administrator Shawn M. Garvin
2/5/14

First, I want to assure you that EPA is on the job. We have been on the job since day one. On January 9th, we were informed of the spill and made the quick decision to take a number of actions, including deploying two of our On-Scene Coordinators to be here in Charleston, the very next day, on the ground and working to support the State, West Virginia American Water Company and other responding agencies.

EPA's job from day one has been to support the State of West Virginia, who has the lead and still has the lead for this response. In addition to deploying our On-Scene Coordinators, we assigned EPA personnel during that first weekend to work at the FEMA response center in Philadelphia on a 24-hour basis to gain round-the-clock information as the situation evolved. Also, EPA's drinking water experts worked closely with other Federal and State agencies in West Virginia as they developed their plan for getting the drinking water system back on-line.

Our role as a support agency has been steadfast and strong, and the State has communicated with us throughout this response.

In cases of emergency response, federal agencies have a protocol we follow so that there is an orderly and effective approach to the response and communications. In many cases, federal agencies are there to support State and local

response efforts. That is the situation here. FEMA had the overall lead for federal response activities for this incident, and EPA cooperated closely with them. This approach governed the early weeks of the response. But as noted, the State of West Virginia has had the overall lead, and federal agencies offered assistance daily on many technical and programmatic aspects.

EPA can confirm today that the spill site is stabilized. Work is underway to empty and dismantle all of the tanks. West Virginia American Water Company's sampling results remain at non-detect or low parts per billion levels – in other words at orders of magnitude below the health risk levels recommended by the CDC for MCHM and PPH.

EPA remains committed to supporting the State as necessary to complete the cleanup of the spill site, and to ensure appropriate actions are taken to protect people's health.

Potential Questions

Q. Why hasn't EPA wanted to talk about the spill?

A. EPA has always said that the State of West Virginia had the lead for this response. As such, we felt it was more appropriate for the State to respond to many of the questions that were being asked in those first few days about what was happening on the ground.

Q. Many people are still not drinking the water because they fear it isn't safe. Can you assure them that the water is safe to drink and cook with? Would you drink the water or have your family drink the water?

A. State and Federal (ATSDR/CDC) health officials agreed on a protective health level for MCHM and PPH. And as I stated, EPA's drinking water experts worked closely with other Federal and State agencies in West Virginia as they developed their plan for getting the drinking water system back on-line. Sampling results show that the flushing approach has been effective. A re-evaluation of earlier test results showed no PPH detected.

I get that people are still concerned about the safety of their water and what, if any, effects it may have on their families' health. EPA has been working with a group of scientists and lab experts who have increased confidence in laboratory analysis of MCHM and PPH in water. Several labs were successful in obtaining lower detection limits for both chemicals. ***From Mark Ferrell: "Shawn will be asked point blank if the water is safe to drink. His response will create news. His response should be Yes or No. Governor Tomblin has been roundly criticized by saying that people must make up their own minds on this question. Some homes still report odor in their water from the chemical. Should people not drink if they can smell MCHM? Is there a series of tests going on at the moment whose results we should wait for?"

Q. Why, after 27 days into this response, are you now here? What took you so long?

A. As I said, EPA had an on-the-ground presence the day immediately after the spill. In addition to being briefed daily on the situation, I've been in regular contact with Federal and State officials throughout the response. I'm here today to assure West Virginian citizens affected by this incident that the State and Federal agencies are in this together and we're working diligently to alleviate

their concerns and restore confidence in their drinking water.
Questions already posed by Ken Ward and EPA responses we provided.

This is a question that Ken keeps raising and will be discussed further in an interview with Jon Cap, Vicki and Fran this afternoon.

1. How as the 1 ppm "safe level" calculated? What was EPA's involvement, and how does this method match EPA's standard approach to such things? -

RESPONSE on 1/24/14 was: State and federal (ATSDR/CDC) health officials determined that a level of 1 part per million (ppm) of MCHM is protective of public health and the state/WVAWC will use the flushing process to assure that this level is achieved throughout the system. EPA has offered technical assistance to the state during the restart efforts.

Additional EPA's response to Ken Ward on 1/24/14:

2. EXACTLY what is being done to contain and remediate the site? What is the process going forward for dealing with that?

RESPONSE: West Virginia and WVAWC are working to remediate the site and are in the best position to explain the steps they've undertaken to date and what remains to be done. EPA continues to be available for technical assistance.

+ EPA's MORE RECENT STATEMENT: In an effort to strengthen laboratory analysis of MCHM and PPH, chemists and lab managers from nine organizations including EPA, are working collaboratively to share information and analytical data about the mixture. Participants include the National Guard, WV American Water, American Water Research, REI Consulting, DuPont Inc., Dow Inc., Matric Inc., ATSDR, and EPA. The group is looking to identify analytical techniques that will allow for lower detection limits for the single compounds, MCHM and PPH in water. The goal of the lower detection limits will be to increase the capacity of laboratories to detect MCHM and PPH in water at orders of magnitude below the health risk levels.

3. How is EPA's response to Sen. Rockefeller's letter asking for a long-term study?

RESPONSE: We've received the letter and will respond appropriately.

4. Has EPA reviewed the enforcement actions DEP had to take at the Nitro site where Freedom was taking this material? Is EPA concerned that, given that, neither Freedom nor DEP can be trusted with the cleanup? How could that stuff not have been watched more closely?

RESPONSE: EPA is aware of the enforcement actions DEP has taken at the Nitro site. Along with other federal agencies, EPA is working closely with our West Virginia state and local partners responding to the Freedom Industries incident and support the actions taken thus far. We are evaluating the full range of federal environmental authorities that may assist in responding to the environmental and public health risks, address any environmental violations, and minimize threats to our waters and public health.

5. Is EPA concerned that DEP never inspected this site before?

RESPONSE: Under the Clean Water Act and the Safe Drinking Water Act, EPA has the mission and the authority to protect the quality of water bodies and drinking water through a wide range of programs and policies. It is important to note that, for the most part, the states have the primary responsibility for implementing these programs. EPA's water security program covers a host of topics from surveillance and response systems for contamination, emergency response tools, laboratory support in an emergency, risk assessment tools, community based water resiliency exercises, water and energy sector interdependencies training, state and mutual aid tabletop exercises, and climate change tools.

6. Is there something about this chemical that might mask its impacts or its continued presence in our water?

RESPONSE: Please contact ATSDR/CDC for information about the impacts of these chemicals.

7. How do we know the flushing methods given to the public work, and what will the long-term impact on home plumbing systems be of having this industrial chemical in them?

RESPONSE: The State and WVAWC continue to report diminishing presence of MCHM in sampling results, demonstrating that the flushing methods have been effective. With limited available information about this chemical, it is difficult to say what long-term impacts, if any, would be on home plumbing systems.

8. Can the local wastewater treatment plant properly filter this material from water being put back into the river?

RESPONSE: Please reach out to the State and WVAWC, who are the lead on this clean up.

9. Has EPA reviewed the study or studies that were the basis for the LD50 for this material?

RESPONSE: While EPA has not provided a formal peer review of any study that was the basis for the LD-50, EPA scientists did provide comments on a draft analysis of the value for MCHM.

10. Is EPA concerned about the lack of emergency planning, the lack of data about this chemical, and the lack of it being considered in the source water protection plan for the Elk site?

RESPONSE: MCHM was one of more than 60,000 chemicals in commerce when the Toxic Substances Control Act (TSCA) was passed in 1976. The 1976 statute "grandfathered" in existing chemicals, and provided EPA with very limited ability to require testing on those existing chemicals to determine if they are safe. EPA continues to support much needed legislative reform to ensure that the Agency has updated authority to more effectively assess and regulate potentially harmful chemicals.